

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>ANSELL HEALTHCARE PRODUCTS LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>C.A. No. 06-527 (JJF)</b>
	)	
<b>TILLOTSON CORPORATION,</b>	)	
	)	
<b>Defendant.</b>	)	
<hr/>		
<b>ANSELL PROTECTIVE PRODUCTS INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>C.A. No. 07-93 (JJF)</b>
	)	
<b>TILLOTSON CORPORATION,</b>	)	
	)	
<b>Defendant.</b>	)	

**DECLARATION OF THOMAS B. KENWORTHY  
IN SUPPORT OF PLAINTIFFS' ANSWERING BRIEF IN OPPOSITION  
TO TILLOTSON'S MOTION TO STAY PROCEEDINGS PENDING THE  
OUTCOME OF THE INTERNATIONAL TRADE COMMISSION'S INVESTIGATION**

THOMAS B. KENWORTHY, acknowledging that this declaration is made under penalty of perjury, states that the following facts are true and correct.

1. I am a partner in the law firm of Morgan, Lewis & Bockius LLP and lead counsel for Ansell Healthcare Products LLC and Ansell Protective Products Inc., the plaintiffs in these actions on whose behalves I have been admitted to appear pro hac vice.

2. Attached hereto as Exhibit A is a true and correct copy of an e-mail dated June 21, 2007, from Stephen M. Schaetzel to Thomas B. Kenworthy, in which Tillotson's counsel stated that Tillotson was "considering asking the Delaware court to either stay or transfer the AHP [Ansell Healthcare Products] and the Ansell Protective Products cases to Georgia in favor of the Georgia case . . . ."

3. Attached hereto as Exhibit B is a true and correct copy of the electronic docket of the United States International Trade Commission for In the Matter of Certain Nitrile Gloves, Inv. No. 337-TA-608 ("the ITC proceeding") as of 9:30 a.m., July 26, 2007, and it reflects no effort on the part of Tillotson to amend its ITC Complaint to include either Ansell Healthcare or Ansell Protective Products as respondents in the ITC proceeding.

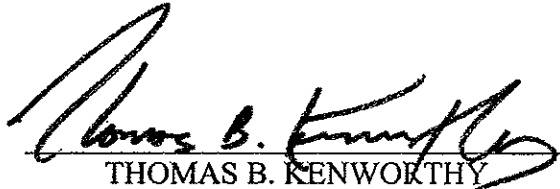
4. Before Tillotson moved to stay this case pending completion of the ITC proceeding, I had advised Tillotson's counsel that Ansell Healthcare and Ansell Protective Products intended to ask this Court for leave to file now a motion for summary judgment of the invalidity of the '616 patent.

5. Attached hereto as Exhibit C is a true and correct copy of the Protective Order in the ITC proceeding.

6. On July 13, 2007, I requested Tillotson's counsel to advise me as to whether or not Tillotson would agree to be bound in this Court by any finding of noninfringement, invalidity or unenforceability by the ITC. Tillotson has declined to agree knowing that Ansell Healthcare and Ansell Protective Products do not agree to be bound in this Court by a determination by the ITC.

7. Attached hereto as Exhibit D is a true and correct copy of a news release announcing that Judge Charles Edward Bullock would be appointed as an Administrative Law Judge at the ITC, effective May 5, 2002.

DATED: July 26, 2007



THOMAS B. KENWORTHY

**CERTIFICATE OF SERVICE**

I, Jack B. Blumenfeld, hereby certify that on July 26, 2007, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following:

Richard L. Horwitz, Esquire  
Kenneth L. Dorsney, Esquire  
Potter Anderson & Corroon LLP

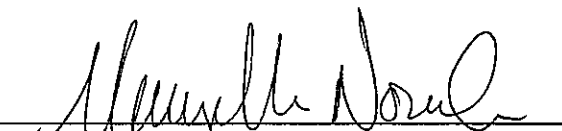
I further certify that copies of the foregoing document were also served upon the following in the manner indicated:

**BY ELECTRONIC MAIL and HAND DELIVERY**

Richard L. Horwitz, Esquire  
Kenneth L. Dorsney, Esquire  
Potter Anderson & Corroon LLP  
Hercules Plaza, Sixth Floor  
1313 N. Market Street  
Wilmington, DE 19801

**BY ELECTRONIC MAIL and FIRST CLASS MAIL**

Anthony B. Askew, Esquire  
Katrina M. Quicker, Esquire  
King & Spalding  
1180 Peachtree Street, N.E.  
Atlanta, GA 30309

  
Maryellen Noreika  
mnoreika@mnat.com

# ***Exhibit A***



"Schaetzel, Steve"  
<SSchaetzel@KSLAW.com>  
06/21/2007 08:38 AM

To tkenworthy@morganlewis.com,  
dmarston@morganlewis.com  
cc "Horwitz, Richard L." <rhorwitz@Potteranderson.com>,  
"Dorsney, Kenneth L." <kdorsney@Potteranderson.com>,  
"Askew, Tony" <TAskew@KSLAW.com>, "Quicker, Katrina"  
<KQuicker@KSLAW.com>, "Pass, Jason"  
<JPass@KSLAW.com>

bcc

Subject Ansell Healthcare v Tillotson; Ansell Protective Products v  
Tillotson - discovery issues and motion to enjoin Georgia  
action

History:

☞ This message has been replied to and forwarded.

Tom and David,

We write to address two matters.

First, with respect to discovery in the Ansell Healthcare Products (AHP) case, AHP had agreed to supplement its responses to various requests, including Interrogatory No.'s 9, 10, 13 and 21. In addition, we understood that AHP was going to provide additional information regarding Document Request No.'s 4, 7, 10, 11 and 21 regarding the method(s) of making the accused glove products. We had also understood that AHP was going to provide additional information regarding Document Request No.'s 16, 19, 20 and 23. We have already discussed these in the past, and hope to avoid a motion to compel.

Second, in light of AHP's pending motion to enjoin Tillotson from proceeding in the comprehensive Georgia action, we are considering asking the Delaware court to either stay or transfer the AHP and the Ansell Protective Product's cases to Georgia in favor of the Georgia case that AHP seeks to enjoin. Given that pending motion, time is of the essence. In view of that motion and our previous conversations, we are aware of the Ansell parties' position opposing further action in Georgia. Nonetheless, we stand ready to meet and confer on the issues of a stay in Delaware (or transfer) any time on Thursday, June 21. I am available most of the day to discuss, save for an appointment late this morning that will carry into the lunch hour. If we do not hear from you, we will understand that the Ansell parties have no further position to express and both the Ansell parties and Tillotson will proceed to make their respective motions and arguments to the Delaware court.

Steve Schaetzel

Stephen M. Schaetzel  
King & Spalding LLP  
1180 Peachtree Street, N.E.  
Atlanta, Georgia 30309-3521  
main: 404.572.4600  
direct: 404.572.2531  
fax: 404.572.5134  
email: sschaetzel@kslaw.com

# ***Exhibit B***



Search Options >> Investigation Search >> **Search Results - Investigation Documents**

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for

Investigation Number:337-608 Phase:"Violation"

[Table View](#) | [Paragraph](#)

**1.** [Declaration of Peter Sewell in Support of Tronex's Motion for Extension of Time.](#)

[More hits for](#) Doc ID: 278764

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Motion Response/Reply **Date Filed:** 2007-07-24

**Filed By** Peter Sewell [of](#) Not Listed - **On Behalf Of:** Tronex International

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E Administrative Law Judge Investigation No. 337-TA-608 DECLARATION OF PETER SEWELL IN SUPPORT OF T MOTTON FOR EXTENSION OF TrMB I, Peter Sewell, do hereby stateanddeclare: I . 65841 bytes

**2.** [Agreement to be bound by the Protective Order for Daniel J. Quigley.](#) Doc ID: 278778

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-25

**Filed By** Daniel J. Quigley [of](#) Not Listed - **On Behalf Of:** QRP, Inc.

QUIGLEY & WHITEHILL, P.L.C. ATTORNEYS AND COUNSELORS AT LAW 2730 EAST BROADWAY, SUITE 16 ARIZONA 85716-5384 (520) 326-4600 Daniel J. Quigley fax (520) 203-0202 July 24, 2007 The Honorable Marilyn Secretary Unites States International Trade Commission 500 E Street, S.W. 20458 bytes

**3.** [Declaration of Peter Sewell in Support of Tronex's Motion for Extension of Time.](#) [More hits for](#) Doc

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Motion Response/Reply **Date Filed:** 2007-07-24

**Filed By** Peter Sewell [of](#) Not Listed - **On Behalf Of:** Tronex International

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E Administrative Law Judge Investigation No. 337-TA-608 DECLARATION OF PETER SEWELL IN SUPPORT OF T MOTTON FOR EXTENSION OF TrMB I, Peter Sewell, do hereby stateanddeclare: I . 65841 bytes

**4.** [Respondent Protective Industrial Products, Inc.'s Response to Complaint and Notice of Investigation](#) 278827

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Answer to Complaint **Date Filed:** 2007-07-25

**Filed By** Elizabeth Borland [of](#) Smith, Gambrell and Russell - **On Behalf Of:** Protective Industrial Products, Inc. 1068605 bytes

**5.** [6 Motion of Liberty Glove, Inc. for Extension of Time in Which to File the Response to the Complaint](#) 278819

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Motion **Date Filed:** 2007-07-25

**Filed By** Luisa Jaffe [of](#) Claremont Law Group, Inc. - **On Behalf Of:** Liberty Glove, Inc. 1050631 bytes

**6.** [5 Joint Motion for extension of time.](#) [More hits for](#) Doc ID: 278672

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Motion **Date Filed:** 2007-07-23

**Filed By** Michael Powell [of](#) Baker Donelson - **On Behalf Of:** Delta Medical Systems, Inc.

M SFM 1035082 v1 2170169-000006 UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON Before the Honorable Charles E. Bullock Administrative Law Judge ) In the Matter of ) ) Investigation No. 4020 by

**7.** [Agreement to be bound by the PO](#) Doc ID: 278674

**Investigation:** 337-608 Violation (Public)



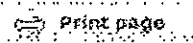
**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608  
**Document Type:** PO Subscription **Date Filed:** 2007-07-23  
**Filed By** Lea H. Speed *of* Baker Donelson - **On Behalf Of:** Delta Medical Systems, Inc.  
30956 bytes

**8. Agreement to be bound by the PO** Doc ID: 278676  
**Investigation:** 337-608 Violation (Public)  
**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608  
**Document Type:** PO Subscription **Date Filed:** 2007-07-23  
**Filed By** Michael Powell *of* Baker Donelson - **On Behalf Of:** Delta Medical Systems, Inc.  
30501 bytes

**9. Notice of Appearance** Doc ID: 278660  
**Investigation:** 337-608 Violation (Public)  
**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608  
**Document Type:** Entry of Appearance **Date Filed:** 2007-07-23  
**Filed By** Michael Powell *of* Baker Donelson Bearman Caldwell & Berkowitz, PC - **On Behalf Of:** Delta Medical Syst  
A MJP 599993 v1 0-0 UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before th  
Charles E. Bullock Administrative Law Judge ) In the Matter of ) ) Investigation No. 337-TA-608 CERTAIN NITRILE  
GLOVES ) ) NOTICE OF APPEARANCE FOR RESPONDENT DELTA MEDICAL SYSTEMS, INC. 13506 bytes

**10. Stipulation for Extension of Time to File Discovery Responses Through August 1, 2007** Doc ID: 2786  
**Investigation:** 337-608 Violation (Public)  
**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608  
**Document Type:** Other **Date Filed:** 2007-07-23  
**Filed By** Michael Powell *of* Baker Donelson - **On Behalf Of:** Delta Medical Systems, Inc.  
A MJP 599995 v1 0-0 UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before th  
Charles E. Bullock Administrative Law Judge ) In the Matter of ) ) Investigation No. 13801 bytes

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Investigation Number:337-608 Phase:"Violation"

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**11. Notice of Appearance For Respondent Protective Industrial Products, Inc.**

**More hits for** Doc ID: 278196

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Entry of Appearance **Date Filed:** 2007-07-18

**Filed By** Elizabeth Borland *of* Smith, Gambrell and Russell - **On Behalf Of:** Protective Industrial Products, Inc.  
197922 bytes

**12. Stipulation Extending Time** Doc ID: 278408

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Other **Date Filed:** 2007-07-19

**Filed By** Sarah-Nell Walsh *of* Wargo & French LLP - **On Behalf Of:** Darby Group Companies  
UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E.  
Administrative Law Judge ) IN THE MATTER OF ) ) CERTAIN NITRILE GLOVES 1 Investigation No. 337-TA-608  
STIPULATION EXTENDING TIME Pursuant to C.F.R. 5210.29 and 5210.30 and Judge Bullock's Ground Rule 4. 2

**13. 1 Motion Extension of Time and Memorandum in Support** Doc ID: 278325

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Motion **Date Filed:** 2007-07-19

**Filed By** Rosa S. Jeong *of* Greenberg Traurig LLP - **On Behalf Of:** Magla Products LLC  
UNITED STATES INTERNATIONAL TRADE COMMISSION Washington, D.C. Before the Honorable Charles E. B.  
Administrative Law Judge In the Matter of CERTAIN NITRILE GLOVES t . r, l - - a Investigation No. 337-TA-608 3  
248731 bytes

**14. 2 Motion to Terminate Investigation without Prejudice As To Respondent Cypress Medical Products,**  
ID: 278475

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Motion **Date Filed:** 2007-07-20

**Filed By** Jeffrey M. Telep *of* King and Spalding - **On Behalf Of:** Tillotson Corporation  
1070158 bytes

**15. PO Subscription - David W. Marston, Jr.** Doc ID: 278300

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-19

**Filed By** David W. Marston Jr. *of* Morgan, Lewis & Bockius - **On Behalf Of:** Ansell Ltd.  
Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19103-2921 Tel: 215.963.5000 Fax: 215.963.5  
www.morganlewis.com David W. Marston Jr. 215.963.5937 dmarston@morganlewis.com July 19, 2007 BY HAND  
Morgan Lewis C O U N S E L O R S A T L A W The Honorable Marilyn R. 82478 bytes

**16. Agreement to be Bound by the Protective Order** Doc ID: 278560

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-20

**Filed By** John P. Sheesley *of* King and Spalding - **On Behalf Of:** Tillotson Corporation  
t KING 8c SPALDING King & Spalding LLP 1180 Peachtree Street, N.E. Atlanta, Georgia 30309-3521 Phone: 404.1  
www.kslaw.com Fax: 404.1572-5100 John P. Sheesley' Direct Dial: 404.15724883 Direct Fax: 404.15724135  
jsheeslev@kslaw.com July 19, 2007 c . l . l - . c . = Y " . r " , ... 143944 bytes

**17. Entry of Appearance** Doc ID: 278349

**Investigation:** 337-608 Violation (Public)

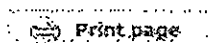
**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608  
**Document Type:** Entry of Appearance **Date Filed:** 2007-07-19  
**Filed By** Merritt R. Blakeslee *of* DeKieffer and Horgan - **On Behalf Of:** Dynarex Corporation  
283926 bytes

**18. Protective Order Subscription for Merritt Blakeslee** Doc ID: 278350  
**Investigation:** 337-608 Violation **(Public)**  
**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608  
**Document Type:** PO Subscription **Date Filed:** 2007-07-19  
**Filed By** Merritt R. Blakeslee *of* DeKieffer and Horgan - **On Behalf Of:** Dynarex Corporation  
292922 bytes

**19. Protective Order Subscription for Gregory Menegaz** Doc ID: 278351  
**Investigation:** 337-608 Violation **(Public)**  
**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608  
**Document Type:** PO Subscription **Date Filed:** 2007-07-19  
**Filed By** Gregory S. Menegaz *of* DeKieffer and Horgan - **On Behalf Of:** Dynarex Corporation  
293045 bytes

**20. Protective Order Subscription for Donald deKieffer** Doc ID: 278352  
**Investigation:** 337-608 Violation **(Public)**  
**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608  
**Document Type:** PO Subscription **Date Filed:** 2007-07-19  
**Filed By** Donald E. deKieffer *of* DeKieffer and Horgan - **On Behalf Of:** Dynarex Corporation  
292709 bytes

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**21. Agreement to be Bound by the Terms of the Protective Order** Doc ID: 278398

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-19

**Filed By** Sarah-Nell Walsh *of* Wargo & French LLP - **On Behalf Of:** Darby Group Companies, Inc.  
212410 bytes

**22. Notice of Appearance** Doc ID: 278557

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Entry of Appearance **Date Filed:** 2007-07-20

**Filed By** Daniel J. Quigley *of* Quigley & Whitehill P.L.C. - **On Behalf Of:** QRP, Inc.  
UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. ) In the Matter of ) Investigation  
TA-608 CERTAIN NITRILE GLOVES ) ) NOTICE OF APPEARANCE Pursuant to Commission Rule of Practice at  
Procedure 201.11, Daniel J. Quigley of Quigley & Whitehill, P.L.C. 14415 bytes

**23. 3 Motion to Extend the Time to File its Response** Doc ID: 278558

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Motion **Date Filed:** 2007-07-20

**Filed By** Daniel J. Quigley *of* Quigley & Whitehill, P.L.C. - **On Behalf Of:** QRP, Inc.  
UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. ) In the Matter of ) Investigation  
TA-608 CERTAIN NITRILE GLOVES ) ) QRP, INC.'S MOTION TO EXTEND THE TIME TO FILE ITS RESPONSI  
Respondent QRP, Inc. 16221 bytes

**24. PO Subscription for Nagendra Setty** Doc ID: 278569

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-20

**Filed By** Nagendra Setty *of* Fish and Richardson - **On Behalf Of:** Cypress Medical Products, LLC  
Marilyn Abbott Secretary to the Commission U.S. International Trade Commission 500 E Street, S.W. Washington,  
Re: Certain Nitrile Gloves Products Containing Same (Inv. No. 120541 bytes

**25. Agreement to Be Bound by the Terms of the Protective Order** Doc ID: 278406

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-19

**Filed By** Sarah-Nell Walsh *of* Not Listed - **On Behalf Of:** Darby Group Companies, Inc.  
Wargo & French LLP MICHAEL S. FRENCH DIRECT DIAL: 404.853.1510 E-MAIL: mfrench@wargofrench.com Jul  
VIA ELECTRONIC FILING The Honorable Marilyn R. Abbott Secretary U.S. International Trade Commission 500 E  
SW, Room 112 Washington, D.C. 267750 bytes

**26. Notice of Appearance** Doc ID: 278324

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Entry of Appearance **Date Filed:** 2007-07-19

**Filed By** Rosa S. Jeong *of* Greenberg Traurig LLP - **On Behalf Of:** Magla Products LLC  
UNITED STATES INTERNATIONAL TRADE COMMISSION Washington, D.C. Before the Honorable Charles E. Bi  
Administrative Law Judge In the Matter of CERTAIN NITRILE GLOVES Investigation No. 337-TA-608 NOTICE OF  
APPEARANCE Please take notice that, pursuant to 19C.F.R. 0 201. 167412 bytes

**27. Notice of Appearance** Doc ID: 278404

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Entry of Appearance **Date Filed:** 2007-07-19

**Filed By** Sarah-Neil Walsh *of* Wargo & French LLP - **On Behalf Of:** Darby Group Companies

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E. Administrative Law Judge ) IN THE MATTER OF 1 1 CERTAIN NITRILE GLOVES ) 1 n -4 CT EJ C".T) Investigator  
TA-608 -- % . \_ r F / - - \_ NOTICE OF ENTRY OF APPEARANCE N c3 -rs - . 228241 bytes

**28.** 3. Granting Respondent Magla Products LLC's Motion For Extention Of Time In Which To File A Resp  
ID: 278495

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Order **Date Filed:** 2007-07-20

**Filed By** Charles E. Bullock *of* USITC - **On Behalf Of:** Administrative Law Judge

UNITED STATES INTERNATIONAL TRADE COMMISSION Washington, D.C. In the Matter of .J CERTAIN NITRIL  
Inv. No. 337-TA-608 \*- -3 1 ORDER NO. 3: GRANTING RESPONDENT MAGLA PRODUCTS LLC'S MOTIONL. ' bytes

**29.** PO Subscription - Rebecca J. Hillyer Doc ID: 278301

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-19

**Filed By** Rebecca J. Hillyer *of* Morgan, Lewis & Bockius - **On Behalf Of:** Ansell Ltd.

Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19103-2921 Tel: 215.963.5000 Fax: 215.963.5  
www.morganlewis.com MorganLevkv C O U N S E L O R S A T L A W Rebecca J. Hillyer 215.963.5160  
rhillyer@morganlewis.com July 19, 2007 BY HAND DELIVERY The Honorable Marilyn R. 81256 bytes

**30.** Notice of Appearance Doc ID: 278407


**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Entry of Appearance **Date Filed:** 2007-07-19

**Filed By** Jeffrey R. Whieldon *of* Fish and Richardson - **On Behalf Of:** Cypress Medical Products, LLC  
95502 bytes

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**31.** Protective Order Subscription for Jeffrey Whieldon Doc ID: 278411

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-19

**Filed By** Jeffrey R. Whieldon of Fish and Richardson - **On Behalf Of:** Cypress Medical Products, LLC  
97923 bytes

**32.** Protective Order Subscription for J. Kevin Horgan Doc ID: 278354

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-19

**Filed By** J. Kevin Horgan of DeKieffer and Horgan - **On Behalf Of:** Dynarex Corporation  
292391 bytes

**33.** Request for Confidential Exhibits Doc ID: 278359

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Other **Date Filed:** 2007-07-19

**Filed By** Merritt R. Blakeslee of DeKieffer and Horgan - **On Behalf Of:** Dynarex Corporation  
284608 bytes

**34.** Notice of Entry of Appearance Doc ID: 278396

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Notice **Date Filed:** 2007-07-19

**Filed By** Sarah-Nell Walsh of Not Listed - **On Behalf Of:** Darby Group Companies, Inc.  
175217 bytes

**35.** Stipulation Extending Time Doc ID: 278401

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Other **Date Filed:** 2007-07-19

**Filed By** Sarah-Nell Walsh of Not Listed - **On Behalf Of:** Darby Group Companies, Inc.  
181122 bytes

**36.** Agreement to be bound by PO Doc ID: 278160

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-18

**Filed By** Michael Pieja of Kirkland and Ellis - **On Behalf Of:** Top Glove  
59540 bytes

**37.** Notice of Appearance Doc ID: 278298

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Entry of Appearance **Date Filed:** 2007-07-19

**Filed By** Thomas B. Kenworthy of Morgan, Lewis & Bockius - **On Behalf Of:** Ansell Ltd.

Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19103-2921 Tel: 215.963.5000 Fax: 215.963.5  
www.morganlewis.com Morgan Lewis C O U N S E L O R S A T L A W Thomas B. Kenworthy 215.963.5702  
tkenworlhy@morganlewis.com July 19,2007 BY HAND DELIVERY The Honorable Marilyn R. 109607 bytes

**38.** Agreement to be bound by PO Doc ID: 278299

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

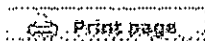


**Document Type:** PO Subscription **Date Filed:** 2007-07-19  
**Filed By** Thomas B. Kenworthy *of* Morgan, Lewis & Bockius - **On Behalf Of:** Ansell Ltd.  
Morgan, Lewis & Bockius LLP 1701 Market Street Philadelphia, PA 19103-2921 Tel: 215.963.5000 Fax: 215.963.5111  
www.morganlewis.com MorganLewis C O U N S E L O R S A T L A W Thomas B. Kenworthy 215.963.5702  
tkenworthy@morganlewis.com July 19, 2007 BY HAND DELIVERY The Honorable Marilyn R. 80185 bytes

**39. Notice of Appearance** Doc ID: 277918  
**Investigation:** 337-608 Violation (Public)  
**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608  
**Document Type:** Entry of Appearance **Date Filed:** 2007-07-16  
**Filed By** Peggy A. Clark *of* Kirkland and Ellis - **On Behalf Of:** Kossan Rubber Industries Bhd. Ltd.  
UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E. Smith  
THE MATTER OF CERTAIN NITRILE GLOVES Investigation No. 337-TA-608 NOTICE OF APPEARANCE Notice  
given, pursuant to Commission Rule of Practice and Procedure 201.11, (19 C.F.R. 0 201. 59649 bytes

**40. Agreement to be bound by the PO** Doc ID: 277851  
**Investigation:** 337-608 Violation (Public)  
**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608  
**Document Type:** PO Subscription **Date Filed:** 2007-07-13  
**Filed By** Katrina M. Quicker *of* King and Spalding - **On Behalf Of:** Tillotson Corporation  
KING 8c SPALDING King & Spalding LLP 1700 Pennsylvania Avenue, N.W Washington, DC 20006-4706 Phone: 202.462.1000  
0500 www.kslaw.com Fax: 202.626-3737 Jeffrey Telep Direct Dial: 202-626-2390 jtelep@kslaw.com July 13, 2007  
DELIVERY The Honorable Marilyn R. Abbott Secretary U.S. 372361 bytes

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Investigation Number:337-608 Phase:"Violation"

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**41. Notice of Appearance** Doc ID: 277627

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Notice **Date Filed:** 2007-07-10

**Filed By** Perry R. Clark *of* Kirkland and Ellis - **On Behalf Of:** Hartalega Holdings Bhd.

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E. THE MATTER OF CERTAIN NITRILE GLOVES Investigation No. 337-TA-608 NOTICE OF APPEARANCE Notice given, pursuant to Commission Rule of Practice and Procedure 201.11, (19 C.F.R. 5 201. 68371 bytes

**42. Entry of Appearance** Doc ID: 277496

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Entry of Appearance **Date Filed:** 2007-07-06

**Filed By** Gilbert Kaplan *of* King and Spalding - **On Behalf Of:** Tillotson Corporation

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E the Matter of 1 ) CERTAIN NITRILE GLOVES 1 ) -.- ) Investigation No. 1'. 337-TA-608 -7 -1.-.- 147636 bytes

**43. Notice of Appearance** Doc ID: 277623

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Notice **Date Filed:** 2007-07-10

**Filed By** Perry R Clark *of* Kirkland and Ellis - **On Behalf Of:** Smart Glove Holdings Sdn. Bhd.

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E THE MATTER OF CERTAIN NITRILE GLOVES Investigation No. 337-TA-608 NOTICE OF APPEARANCE Notice given, pursuant to Commission Rule of Practice and Procedure 201.11, (19 C.F.R. 5 201. 64527 bytes

**44. Agreement to be bound by the Protective Order for Gilbert B. Kaplan** Doc ID: 277750

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-11

**Filed By** Gilbert B. Kaplan *of* King and Spalding - **On Behalf Of:** Tillotson Corporation

KING 8c SPALDING King & Spalding LLP 1700 Pennsylvania Avenue, N.W. Washington, DC 20006-4706 Phone: 1 0500 www.kslaw.com F a : 2021626-3737 Gilbert B. Kaplan Direct Dial: 202-661-7981 gkaplan@kslaw.com July 1 HAND DELIVERY The Honorable Marilyn R. Abbott Secretary U.S. 331609 bytes

**45. Notice of Appearance** Doc ID: 277625

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Notice **Date Filed:** 2007-07-10

**Filed By** Michael T. Pieja *of* Kirkland and Ellis - **On Behalf Of:** Laglove (M) Sdn. Bhd.

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E THE MATTER OF CERTAIN NITRILE GLOVES Investigation No. 337-TA-608 NOTICE OF APPEARANCE Notice given, pursuant to Commission Rule of Practice and Procedure 201.11, (19 C.F.R. 5 201. 63470 bytes

**46. Notice of Appearance** Doc ID: 277621

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Entry of Appearance **Date Filed:** 2007-07-10

**Filed By** Perry R. Clark *of* Kirkland and Ellis - **On Behalf Of:** Riverstone Resources Sdn. Bhd.

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E THE MATTER OF CERTAIN NITRILE GLOVES Investigation No. 337-TA-608 NOTICE OF APPEARANCE Notice i given, pursuant to Commission Rule of Practice and Procedure 201.11, (19 C.F.R. 5 201. 65667 bytes

**47. Notice of Appearance** Doc ID: 277628



**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Entry of Appearance **Date Filed:** 2007-07-10

**Filed By** Perry R. Clark *of* Kirkland and Ellis - **On Behalf Of:** YTY Holdings Sdn. Bhd.

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E. THE MATTER OF CERTAIN NITRILE GLOVES Investigation No. 337-TA-608 NOTICE OF APPEARANCE Notice given, pursuant to Commission Rule of Practice and Procedure 201.11, (19 C.F.R. 9 201. 62555 bytes

**48. Agreement to be bound by the Protective Order** Doc ID: 277786

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-12

**Filed By** Perry R. Clark *of* Kirkland and Ellis - **On Behalf Of:** Top Glove  
61182 bytes

**49. Notice of Appearance** Doc ID: 277559

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Entry of Appearance **Date Filed:** 2007-07-09

**Filed By** Perry R. Clark *of* Kirkland and Ellis - **On Behalf Of:** Top Glove Corporation BHD

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C. Before the Honorable Charles E. THE MATTER OF CERTAIN NITRILE GLOVES Investigation No. 337-TA-608 NOTICE OF APPEARANCE Notice given, pursuant to Commission Rule of Practice and Procedure 201.11, (19 C.F.R. 0 201. 63287 bytes

**50. Protective Order for Jenny Lee** Doc ID: 277763


**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** PO Subscription **Date Filed:** 2007-07-12

**Filed By** Jenny Lee *of* Kirkland and Ellis - **On Behalf Of:** Top Glove  
58406 bytes

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Investigation Number:337-608 Phase:"Violation"

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**51. Notice of Appearance** Doc ID: 277696

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Entry of Appearance **Date Filed:** 2007-07-11

**Filed By** Jenny Lee of Kirkland and Ellis - **On Behalf Of:** Top Glove Corporation Bhd.  
48267 bytes

**52. 72 FR 37052** Doc ID: 277499

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Notice **Date Filed:** 2007-07-06

**Filed By** Marilyn R. Abbott of USITC - **On Behalf Of:** Office of the Secretary

...determine whether there is a violation of subsection (a)(1)(B) of...entities alleged to be in violation of section 337 of the...TRADE COMMISSION [Inv. No. 337-TA-608] in the Matter of Certain...Georgia. The complaint alleges violat  
section 337 in the importation... 51397 bytes

**53. 2 Notice of Ground Rules And Target Date And Order Setting Date For Submission Of Discovery** D  
277449

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Order **Date Filed:** 2007-07-06

**Filed By** Charles E. Bullock of USITC - **On Behalf Of:** Administrative Law Judge

UNITED STATES INTERNATIONAL TRADE COMMISSION Washington,D.C. In the Matter of CERTAIN NITRILE  
1 Inv. No. 337-TA-608 - I \_ ' ORDER NO. 2: NOTICE OF GROUND RULES AND TARGET DATE AND ORDER SET  
DATE FOR SUBMISSION OF DISCOVERY STATEMENTS (July 6,2007) G. Pursuantto CommissionRule 210. 1  
bytes

**54. 1 PROTECTIVE ORDER** Doc ID: 277448

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Order **Date Filed:** 2007-07-06

**Filed By** Charles E. Bullock of USITC - **On Behalf Of:** Administrative Law Judge

...participants in said investigation. I am aware that the unauthorized use or conveyance of information as specified  
violation ofthe Federal Criminal Code and punishable by a fine of up to \$10,000, imprisonment of up to ten (10)ye:  
Signed... 538852 bytes

**55. Institution of Investigation** Doc ID: 277138

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Notice **Date Filed:** 2007-06-29

**Filed By** Marilyn R. Abbott of USITC - **On Behalf Of:** Office of the Secretary

...Menlo, Georgia. The complaint alleges violations of section 337 in the importation into...instituted to determine v  
there is a violation of subsection (a)(1)(B) of section 337...the following entities alleged to be in violation of section  
are the parties upon... 2773564 bytes

**56. OUII-07-021** Doc ID: 277210

**Investigation:** 337-608 Violation (Public)

**Investigation Title:** Certain Nitrile Gloves, Inv. No. 337-TA-608

**Document Type:** Voting Sheet **Date Filed:** 2007-07-02

**Filed By** Marilyn R. Abbott of USITC - **On Behalf Of:** Office of the Secretary

USITC 001 (rev. 04/07) Page 1 1. ControlNo. OUII-07-021 2. Date to Chairman June 21,2007 3. Due date/code Cc  
InitiatingOffice OUII // or Circulating Official: Dateb Recirculation: 8. 62768 bytes

**57. No Title** **More hits for** Doc ID: 275275

Investigation: 337-608 Violation (Public)

Investigation Title: Certain Nitrile Gloves, Inv. No. 337-TA-608

Document Type: Complaint Date Filed: 2007-05-30

Filed By Gilbert B. Kaplan of King and Spalding - On Behalf Of: Tillotson Corporation

...valid and enforceable '616 patent in violation of Section 337. 6. Tillotson's United... is not formally alleging a copyr violation at this time, Subsidiary Asia Pacific... 328. There is a widespread pattern of violation of 19 U.S.C. 5 1337 difficult... 7778669 bytes

58. No Title More hits for Doc ID: 275276

Investigation: 337-608 Violation (Confidential)


Investigation Title: Certain Nitrile Gloves, Inv. No. 337-TA-608

Document Type: Complaint Date Filed: 2007-05-30

Filed By Taryn Koball of King and Spalding - On Behalf Of: Tillotson Corporation

35de502b0c10aa63409da8d1ece87598 32 bytes

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## ***Exhibit C***

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN NITRILE GLOVES**

**Inv. No. 337-TA-608**

**ORDER NO. 1: PROTECTIVE ORDER**

(July 6, 2007)

WHEREAS, documents and information may be sought, produced or exhibited by and among the parties to the above captioned proceeding, which materials relate to trade secrets or other confidential research, development or commercial information, as such terms are used in the Commission's Rules, 19 C.F.R. § 210.5;

**IT IS HEREBY ORDERED THAT:**

1. Confidential business information is information which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, or other information of commercial value, the disclosure of which is likely to have the effect of either (i) impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions; or (ii) causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained, unless the Commission is required by law to disclose such information. The term "confidential business information" includes "proprietary information" within the meaning of section 777(b) of the Tariff Act of 1930 (19 U.S.C. § 1677f(b)).

2(a). Any information submitted, in pre hearing discovery or in a pleading, motion, or response to a motion either voluntarily or pursuant to order, in this investigation, which is asserted by a supplier to contain or constitute confidential business information shall be so designated by such supplier in writing, or orally at a deposition, conference or hearing, and shall be segregated from other information being submitted. Documents shall be clearly and prominently marked on their face with the legend: "[supplier's name] CONFIDENTIAL BUSINESS INFORMATION, SUBJECT TO PROTECTIVE ORDER," or a comparable notice. Such information, whether submitted in writing or in oral testimony, shall be treated in accordance with the terms of this protective order.

(b). The Administrative Law Judge or the Commission may determine that information alleged to be confidential is not confidential, or that its disclosure is necessary for the proper disposition of the proceeding, before, during or after the close of a hearing herein. If such a determination is made by the Administrative Law Judge or the Commission, opportunity shall be provided to the supplier of such information to argue its confidentiality prior to the time of such ruling.

3. In the absence of written permission from the supplier or an order by the Commission or the Administrative Law Judge, any confidential documents or business information submitted in accordance with the provisions of paragraph 2 above shall not be disclosed to any person other than: (i) outside counsel for parties to this investigation, including necessary secretarial and support personnel assisting such counsel; (ii) qualified persons taking testimony involving such documents or information and necessary stenographic and clerical personnel thereof; (iii) technical experts and their staff who are employed for the purposes of this litigation (unless they are otherwise employed by, consultants to, or otherwise affiliated with a non-governmental party, or are employees of any

domestic or foreign manufacturer, wholesaler, retailer, or distributor of the products, devices or component parts which are the subject of this investigation); (iv) the Commission, the Administrative Law Judge, the Commission staff, and personnel of any governmental agency as authorized by the Commission; and (v) the Commission, its employees, and contract personnel who are acting in the capacity of Commission employees, for developing or maintaining the records of this investigation or related proceedings for which this information is submitted, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.<sup>1</sup>

4. Confidential business information submitted in accordance with the provisions of paragraph 2 above shall not be made available to any person designated in paragraph 3(i)<sup>2</sup> and (iii) unless he or she shall have first read this order and shall have agreed, by letter filed with the Secretary of this Commission: (i) to be bound by the terms thereof; (ii) not to reveal such confidential business information to anyone other than another person designated in paragraph 3; and (iii) to utilize such confidential business information solely for purposes of this investigation.

5. If the Commission or the Administrative Law Judge orders, or if the supplier and all parties to the investigation agree, that access to, or dissemination of information submitted as confidential business information shall be made to persons not included in paragraph 3 above, such matter shall only be accessible to, or disseminated to, such persons based upon the conditions pertaining to, and obligations arising from this order, and such persons shall be considered subject to it, unless the Commission or the Administrative Law Judge finds that the information is not

---

<sup>1</sup> See Commission Administrative Order 97-06 (Feb. 4, 1997).

<sup>2</sup> Necessary secretarial and support personnel assisting counsel need not sign onto the protective order themselves because they are covered by counsel's signing onto the protective order.

confidential business information as defined in paragraph 1 hereof.

6. Any confidential business information submitted to the Commission or the Administrative Law Judge in connection with a motion or other proceeding within the purview of this investigation shall be submitted under seal pursuant to paragraph 2 above. Any portion of a transcript in connection with this investigation containing any confidential business information submitted pursuant to paragraph 2 above shall be bound separately and filed under seal. When any confidential business information submitted in accordance with paragraph 2 above is included in an authorized transcript of a deposition or exhibits thereto, arrangements shall be made with the court reporter taking the deposition to bind such confidential portions and separately label them "[supplier's name] CONFIDENTIAL BUSINESS INFORMATION, SUBJECT TO PROTECTIVE ORDER." Before a court reporter or translator receives any such information, he or she shall have first read this order and shall have agreed in writing to be bound by the terms thereof. Alternatively, he or she shall sign the agreement included as Attachment A hereto. Copies of each such signed agreement shall be provided to the supplier of such confidential business information and the Secretary of the Commission.

7. The restrictions upon, and obligations accruing to, persons who become subject to this order shall not apply to any information submitted in accordance with paragraph 2 above to which the person asserting the confidential status thereof agrees in writing, or the Commission or the Administrative Law Judge rules, after an opportunity for hearing, was publicly known at the time it was supplied to the receiving party or has since become publicly known through no fault of the receiving party.

8. The Commission, the Administrative Law Judge, and the Commission investigative



attorney acknowledge that any document or information submitted as confidential business information pursuant to paragraph 2 above is to be treated as such within the meaning of 5 U.S.C. § 552(b)(4) and 18 U.S.C. § 1905, subject to a contrary ruling, after hearing, by the Commission or its Freedom of Information Act Officer, or the Administrative Law Judge. When such information is made part of a pleading or is offered into the evidentiary record, the data set forth in 19 C.F.R. § 201.6 must be provided except during the time that the proceeding is pending before the Administrative Law Judge. During that time, the party offering the confidential business information must, upon request, provide a statement as to the claimed basis for its confidentiality.

9. Unless a designation of confidentiality has been withdrawn, or a determination has been made by the Commission or the Administrative Law Judge that information designated as confidential, is no longer confidential, the Commission, the Administrative Law Judge, and the Commission investigative attorney shall take all necessary and proper steps to preserve the confidentiality of, and to protect each supplier's rights with respect to, any confidential business information designated by the supplier in accordance with paragraph 2 above, including, without limitation: (a) notifying the supplier promptly of (i) any inquiry or request by anyone for the substance of or access to such confidential business information, other than those authorized pursuant to this order, under the Freedom of Information Act, as amended (5 U.S.C. § 552) and (ii) any proposal to redesignate or make public any such confidential business information; and (b) providing the supplier at least seven days after receipt of such inquiry or request within which to take action before the Commission, its Freedom of Information Act Officer, or the Administrative Law Judge, or otherwise to preserve the confidentiality of and to protect its rights in, and to, such confidential business information.

10. If while an investigation is before the Administrative Law Judge, a party to this order who is to be a recipient of any business information designated as confidential and submitted in accordance with paragraph 2 disagrees with respect to such a designation, in full or in part, it shall notify the supplier in writing, and they will thereupon confer as to the status of the subject information proffered within the context of this order. If prior to, or at the time of such a conference, the supplier withdraws its designation of such information as being subject to this order, but nonetheless submits such information for purposes of the investigation, such supplier shall express the withdrawal, in writing, and serve such withdrawal upon all parties and the Administrative Law Judge. If the recipient and supplier are unable to concur upon the status of the subject information submitted as confidential business information within ten days from the date of notification of such disagreement, any party to this order may raise the issue of the designation of such a status to the Administrative Law Judge who will rule upon the matter. The Administrative Law Judge may *sua sponte* question the designation of the confidential status of any information and, after opportunity for hearing, may remove the confidentiality designation.

11. No less than 10 days (or any other period of time designated by the Administrative Law Judge) prior to the initial disclosure to a proposed expert of any confidential information submitted in accordance with paragraph 2, the party proposing to use such expert shall submit in writing the name of such proposed expert and his or her educational and detailed employment history to the supplier. If the supplier objects to the disclosure of such confidential business information to such proposed expert as inconsistent with the language or intent of this order or on other grounds, it shall notify the recipient in writing of its objection and the grounds therefor prior to the initial disclosure. If the dispute is not resolved on an informal basis within ten days of receipt of such notice of

objections, the supplier shall submit immediately each objection to the Administrative Law Judge for a ruling. If the investigation is before the Commission the matter shall be submitted to the Commission for resolution. The submission of such confidential business information to such proposed expert shall be withheld pending the ruling of the Commission or the Administrative Law Judge. The terms of this paragraph shall be inapplicable to experts within the Commission or to experts from other governmental agencies who are consulted with or used by the Commission.

12. If confidential business information submitted in accordance with paragraph 2 is disclosed to any person other than in the manner authorized by this protective order, the party responsible for the disclosure must immediately bring all pertinent facts relating to such disclosure to the attention of the supplier and the Administrative Law Judge and, without prejudice to other rights and remedies of the supplier, make every effort to prevent further disclosure by it or by the person who was the recipient of such information.

13. Nothing in this order shall abridge the right of any person to seek judicial review or to pursue other appropriate judicial action with respect to any ruling made by the Commission, its Freedom of Information Act Officer, or the Administrative Law Judge concerning the issue of the status of confidential business information.

14. Upon final termination of this investigation, each recipient of confidential business information that is subject to this order shall assemble and return to the supplier all items containing such information submitted in accordance with paragraph 2 above, including all copies of such matter which may have been made. Alternatively, the parties subject to this order may, with the written consent of the supplier, destroy all items containing confidential business information and certify to the supplier (or his counsel) that such destruction has taken place. This paragraph shall not


apply to the Commission, including its investigative attorney, and the Administrative Law Judge, which shall retain such material pursuant to statutory requirements and for other recordkeeping purposes, but may destroy those additional copies in its possession which it regards as surplusage.

Notwithstanding the above paragraph, confidential business information may be transmitted to a district court pursuant to Commission Rule 210.5(c).

15. If any confidential business information which is supplied in accordance with paragraph 2 above is supplied by a nonparty to this investigation, such a nonparty shall be considered a "supplier" as that term is used in the context of this order.

16. Each nonparty supplier shall be provided a copy of this order by the party seeking information from said supplier.

17. The Secretary shall serve a copy of this order upon all parties.

  
Charles E. Bullock  
Administrative Law Judge

Attachment A

NONDISCLOSURE AGREEMENT FOR REPORTER/STENOGRAPHER/TRANSLATOR

I, \_\_\_\_\_, do solemnly swear or affirm that I will not divulge any information communicated to me in any confidential portion of the investigation or hearing in the matter of Certain XYZ Investigation, Investigation No. 337-TA-XXX, except as permitted in the protective order issued in this case. I will not directly or indirectly use, or allow the use of such information for any purpose other than that directly associated with my official duties in this case.

Further, I will not by direct action, discussion, recommendation, or suggestion to any person reveal the nature or content of any information communicated during any confidential portion of the investigation or hearing in this case.

I also affirm that I do not hold any position or official relationship with any of the participants in said investigation.

I am aware that the unauthorized use or conveyance of information as specified above is a violation of the Federal Criminal Code and punishable by a fine of up to \$10,000, imprisonment of up to ten (10) years, or both.

Signed \_\_\_\_\_

Dated \_\_\_\_\_

Firm or affiliation \_\_\_\_\_

## ***Exhibit D***

**April 19, 2002**  
**News Release 02-031**

## **BULLOCK NAMED NEW ADMINISTRATIVE LAW JUDGE AT U.S. INTERNATIONAL TRADE COMMISSION**

Stephen Koplan, Chairman of the United States International Trade Commission (ITC), announced today that Judge Charles Edward Bullock will be appointed as an Administrative Law Judge at the ITC, effective May 5, 2002. Bullock will preside over evidentiary hearings and make initial determinations in proceedings involving imports which allegedly infringe U.S. patents, trademarks, and copyrights.

Since June 1996, Bullock has been an Administrative Law Judge with the U.S. Environmental Protection Agency (EPA). In that position, he conducted hearings and wrote initial decisions in enforcement proceedings brought under a number of environmental laws administered by the EPA.

Before Bullock joined the EPA, he had served for 24 years with the Federal Energy Regulatory Commission (FERC). For the last 12 of those years, he was an Administrative Law Judge, conducting hearings and writing initial decisions in complex, multi-party cases involving electric utility and natural gas pipeline rates. Prior to assuming his judgeship at FERC, he was a trial attorney and then an Assistant General Counsel at that agency.

Bullock is a 1968 graduate of Bucknell University, where he received a Bachelor of Arts degree in Political Science. He received his Juris Doctor degree from George Washington University Law School in June 1971. He is a member of the Bar of the District of Columbia.

The U.S. International Trade Commission is an independent, nonpartisan, quasi-judicial federal agency that provides trade expertise to both the legislative and executive branches of government, determines the impact of imports on U.S. industries, and directs actions against certain unfair trade practices, such as patent, trademark, and copyright infringement.

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